

A Regular meeting of the Board of Selectmen was held on Tuesday, June 19, 2007 beginning at 5:00 p.m. in the Main Meeting Room of the Town Hall. The following members were present.

Al DeNapoli, Chairman  
Christopher Timson, Vice Chairman  
Michael F. Caron, Clerk  
Catherine Winston  
David Sullivan

Also present:  
Michael Boynton, Town Administrator  
James Johnson, Asst. Town Administrator

Susan Rossi  
Paul Barry, Union President  
Fire Chief Bailey  
Deputy Chief Laracy  
Leah Barrault, Counsel for employee  
Billy McDonald, District VP Firefighters Union  
Laurie Engdahl, Town Counsel

Mr. Timson called the meeting to order at 5:15 p.m. and explained to the audience that the Board is waiting for the Chairman. The Board will adjourn the meeting until Mr. DeNapoli is present. He wanted them to be aware that there will be a short delay.

Mr. Timson explained the Board will recess until 5:30, and at that time we hope to get the meeting going. The audience agreed.

Mr. DeNapoli apologized for being late, he reopened the meeting. He informed the employee that at this point we will go forward with the hearing. He asked Ms. Rossi if she would like the hearing in open session. She shook her head that she does not.

MOTION moved by Mr. Timson to move into executive session to discuss the character and reputation of an employee under MGL Chapter 39 Section 23, B, Seconded by Mr. Caron, voted by roll call; Mr. Caron-Aye, Mr. Timson-Aye, Ms. Winston-Aye, Mr. Sullivan-Aye and Mr. DeNapoli-Aye (5-0-0)

(Board moved out of the first executive session 6:45 p.m.)

Mr. DeNapoli informed the audience that the Board has exited Executive Session.

MOTION moved by Mr. Timson that we enter into Executive Session for purpose of discussing potential litigation under MGL 39, Section 23B, seconded by Mr. Caron, 5-0-0 by roll call vote; Mr. Caron-Aye, Mr. Timson-Aye, Ms. Winston-Aye, Mr. Sullivan-Aye and Mr. DeNapoli-Aye

Mr. DeNapoli informed the audience that after the executive session is concluded, we will let you know.

(The Board moved out of the second executive session at 7:15p.m.)

MOTION moved by Mr. Timson to move into executive session to discuss the character and reputation of an employee under MGL Chapter 39 Section 23, B, Seconded by Mr. Caron, voted by roll call; Mr. Caron-Aye, Mr. Timson-Aye, Ms. Winston-Aye, Mr. Sullivan-Aye and Mr. DeNapoli-Aye (5-0-0)

Mr. DeNapoli reopened the regular meeting at 7:35 p.m.

#### ANNOUNCEMENTS AND PROCLAMATIONS

Chief Stillman reported that on May 17<sup>th</sup> of this year the Police department received a call from Officer William Djerf that the Fire department was needed for an explosion. Two gas company trucks were reported to be on fire. A worker could not get out of the trench, Officer Dave Sullivan pulled him out. Officer William Djerf was on fire and sustained minor injuries. There were thankfully no life threatening injuries, but both officers sustained minor injuries. They showed great courage in a dangerous and spontaneous incident. Their ability to adapt quickly to their environment and the situation was instrumental in saving lives. Thanked them from the Town.

Chief Stillman stated they have also been selected as employees of the month. He can not think of two better guys. I am sure it was an automatic reaction, they make me proud.

Mr. Sullivan stated that the support we got from the Fire Department was unbelievable.

#### Baldassari Plaque

Susanne Murphy: Dom Baldassari's brother wanted a plaque for his brother. Dom was the Recreation Director for many years. Had previously discussed with the Selectmen placing a plaque near the Blackburn Hall in his honor. After discussions with his brother, we picked an area near the pool house. Ms. Murphy asked if we could have granite bench? It is being paid for by his brother.

MOTION moved by Mr. Sullivan to accept the granite bench and plaque near the pool house in honor of Dom Baldassari, seconded by Mr. Timson, VOTED 5-0-0

7:55 p.m. Don Johnson, Town Planner

Mr. Johnson gave the members a copy of the explanation of the Stewardship of the Master Plan. Mr. Johnson read the document into the record.

The Zoning Rewrite is a major activity. There will be a forum Thursday night. The smart growth planning grant is wrapping up. The Zoning rewrite will take a lot of the group's activity over the next few months. They are working on the software and web site upgrade for the permitting process. Mr. Johnson invited the Board to the public forum Thursday night. They should have a first draft by the consultant that evening.

Mr. Timson asked him to provide a little preview of what this zoning rewrite is going to be doing. Mr. Johnson reported that the MPIC has found that the zoning bylaw can be difficult to interpret. Some sections should be overhauled. They are looking at overlay districts. Does not believe there will be a lot of changes to the use table.

Mr. Timson discussed how he would like the town to look at areas of the town that could use a boost in terms of getting more economic development. He is hoping that part of this zoning rewrite could be addressed in some form these issues. Mr. Johnson explained that the emphasis is on the text.

Mr. Caron questioned if the Economic Development Committee has been involved in the process. Mr. Johnson stated that Mr. Walsh has been participating.

Board discussed the Housing Production Plan which would enable the town to have an argument to defend a large filing of a 40B housing development. The Board is looking to get the plan done quickly. Could have such a plan approved by October Town Meeting.

#### 6-11 James Decelle, Seeking seat on ZBA

Mr. Decelle introduced himself. He has lived at 525 Cedar Street for the past 5 yrs. Mr. Decelle owns a small civil engineering company in Quincy. Had spoken with Mr.

Timson in the past and wants to get involved. He is familiar with zoning and feels he could be an asset. He heard there was a need for someone on the Zoning Board.

Mr. Timson stated that his firm has hired Mr. Decelle's firm to do surveying and engineering. When he heard we needed help with the ZBA he thought Mr. Decelle would be a good candidate.

MOTION moved by Mr. Caron to accept Mr. Decelle's application and appoint him as an associate member of the Zoning Board of Appeals, seconded by Ms. Winston, VOTED 5-0-0

#### 6-24 Ron Fucile, Town Clerk , Election

Mr. DeNapoli noted that Mr. Fucile is here to explain the town meeting member omissions from the most recent ballot. How that happened and steps he has taken so it does not happen again.

Mr. Fucile explained there were omissions from the ballot, I take full responsibility. (Read letter) During the June Election there were two persons left off the ballot. Mr. Fucile took full responsibility for the error and is working on putting into place a system so this will not happen again. He contacted the two persons whose names were left off of the ballot and they have decided not to ask for a new election.

Mr. DeNapoli thanked Mr. Fucile for coming in. We are all human. I have read the letters from the two persons and they understand and they will be back again. They do not want the town to incur any extra costs for them. Thank you. I know this is hard.

Ms. Winston questioned the statement made by Mr. Fucile that he did not back fill Liz's position. She thought that Darlene had been hired to take that position. She knows that we all make mistakes, but there was an omission from precinct 5 last year when Liz was there.

#### 6-25 Adoption agreement for Section 125

Mr. Boynton reported that the states new law regarding Health Insurance goes into affect July 1. We do have to make sure that those who do not have health insurance, can get into the connector. The 125 plans allow employees to pay pre tax. We have to create a new 125 plan.

Mark Good explained that the state developed a boiler plate document and he is asking the Board to agree at least on some of the options. Mr. DeNapoli asked if he wants the Board to adopt the optional election under participant eligibility? Mr. Good responded yes and added that what is being recommended will reduce the cost to the town. We need to determine which plans will be available.

Mr. Boynton noted the Board should adopt with the recommendation provided by the Finance Director. There is no cost to the town other than administrative. Mr. Good does not feel the town will see too much action on this.

MOTION moved by Mr. Timson to approve the adoption of the agreement for 125 as set forth by the Finance Director, seconded by Mr. Caron, VOTED 5-0-0

#### 6-26 Mark Resnick, permission to sell Italian Ice

Mr. Resnick introduced himself to the Board. He has lived on Lamplighter lane for 7 years. He has a promotional products business. His son and he want to have a mobile cart selling Italian Ice during the concerts on the common, at the pools, kind of a fun little thing.

Mr. Boynton noted that we have one activity, the night before the Fourth that is run by the Fire Department and one item that they sell is Italian ice. There can be no negative impact on the activities that go on the night before the Fourth. No sales in or around the

fire station and being very cautious about public safety issues. The Fire Chief said maybe he can stop by the Fire Dept and maybe he can help out.

Mr. Timson thinks it is a great idea. If this is on town property though, there might be a need for a lease agreement, the town to be indemnified, additional insurance. He questioned, do we limit to certain locations, if we give out one, are we going to give out more?

Mr. Boynton explained that they do have other vendors that work the parade route. We do not charge rent. He would be operating at his own risk. We are not sanctioning him for any particular event.

Mr. Timson feels we need answers to those questions. Mr. Boynton will talk to the town's insurance company about this tomorrow. Mr. Timson sees a difference between one time activity and possibly every day.

Mr. DeNapoli noted since this is one of the first times we have done this, put him on the agenda for next week.

#### 6-27 Fire Department, Transfer of Funds (Supplemental Departmental)

Chief Bailey explained that they held back in expenses and would like transfer departmental expense funds to salaries. He feels he can make it through the end of the year. He is asking to transfer \$24,000 from expenses to salaries.

MOTION moved by Ms. Winston to approve the transfer of \$24,000 from fire expense to salaries, seconded by Mr. Caron, VOTED 5-0-0

#### 6-28 Extension of time for radio box conversion

Chief Bailey is seeking the Boards approval to grant an extension of the deadline to convert the Gamewell system to the new SigCom radio system for master boxes from July 1 to September 30, 2007. They have successfully converted over half of the system but are still a few months away from completion. Some of the building owners have waited until the last minute and are finding that it will take time to receive the radio box.

If the Board does not approve the extension, the Chief can not dismantle the system. So he has an end point, he needs date specific because of the delays he has encountered. There is no fee associated. They have been looking for voluntary compliance. Eleven companies have not responded back to the Fire department. They will be told that they will be taken off the system.

It is not a bylaw so there is not ability to give a fee. A letter to the insurance carrier may get some attention. This has been done in other communities. Under the law if they have a sprinkler system they have to have a radio system.

MOTION moved by Mr. Timson to grant an extension of the deadline for radio box alarm conversion from July 1, 2007 until September 30, 2007, seconded by Mr. Caron, VOTED 5-0-0

#### 6-29 Use of Common

The Board received a request from the Recreation Department to hold the annual summer solstice drum circle from 6:30 p.m. to 8:00 p.m.

MOTION moved by Mr. Timson to approve the request to use the common for the summer solstice drum circle on June 21, 2007, seconded by Mr. Caron, VOTED 5-0-0

#### 6-30 Road Race, Camy 5K run and 10K walk

The Board received a request to hold the annual road race on November 10, 2007.

MOTION moved by Mr. Timson to grant the request to hold the road race and walk on November 10, 2007 with the course set forth in the letter from Mr. Clerici, seconded by Ms. Winston, VOTED 5-0-0

#### 6-31 Ethics Exemptions

In order to protect the Town and employees holding more than one municipal job against violation of the State Ethics Laws the Board should adopt this. The Personnel Board forwarded a list of names of those employees whom have more than one job. The letter is dated June 4, 2007.

MOTION moved by Mr. Timson that the following employees are exempted from M.G.L. Chapter 268A Section 20 under exemption (B) posted position less than 500 hours a year, as listed on a letter dated June 4, 2007, seconded by Mr. Caron, VOTED 5-0-0

#### 6-32 EDC Grant

The town approved two places for expedited permitting during the Spring Town Meeting. Because we adopted and approved locations we are eligible to receive funding from the state. The first task is the planning consulting services to help revise existing rules and regulations. The second task is technical consulting services to update technology and purchase needed hardware and software and the last task is planning consultant services to assess readiness of targeted sites for development. This part deals with utilities.

Mr. Caron questioned task three, is this for the mall only? Mr. Boynton explained it can be utilized for multiple properties. Pick the junkyard, where there is sewer and water, wetlands issues, further environmental analysis. Identify concerns to get those fast tracked. You do not want to identify a site if there are significant wetland issues. Does the site really work?

Ms. Winston expressed some concern over the cost of some of the work to be done.

Mr. Timson felt this will make the town more nimble. Mr. Don Walsh stated, this will put us in front of the line to get more grants. Only a handful of towns received these grants. Mr. DeNapoli wants to be kept up to speed as to how these tasks are being preformed. This will give us a process.

MOTION moved by Mr. Timson to authorize the Town Administrator and Chairman to sign the contract attached and authorized signature forms and to return the original contract back to the Executive Office of Housing & Economic Development, seconded by Mr. Caron, VOTED 5-0-0

#### 6-20 Bid Award 207-38, Crack Sealing

MOTION moved by Mr. Timson to award the Bid/Contract No. 2007-38 for crack sealing by fiber reinforced method to Superior Sealcoat, Inc., Wilmington, Ma for an estimated total of \$31,680.00 using a unit price of \$5.28 per gallon, seconded by Mr. Caron, VOTED 5-0-0

#### 6-33 The Paddock, Keno License

Attorney Tom Brady appeared on behalf of the Paddock. The applicant is seeking approval from the Board for a Keno License. He has received his approvals from the State. Have received approval from the Building Department

MOTION moved by Mr. Timson to approve the Keno License for Bohercuill LLC, d/b/a The Paddock, at 998 Main Street, seconded by Ms. Winston, VOTED 5-0-0

#### 6-34 TIP Certification

Most of the Managers are certified. We still have the manager of the VFW who has not provided proof of being TIP certified. We want to work with the Veterans. How does the Board wish to pursue this further?

Mr. Sullivan asked if he could have a few weeks to try to clear this up. I think I can get this cleared up.

Mr. Caron agrees. The VFW manager is a good man. Work out a solution. If he is not the manager, he does not have to be TIP certified. We do not need to embarrass him.

#### 623 Banner Request, Lions Club

MOTION moved by Mr. Timson to approve the request of the Lions Club to hang a banner advertising the golf tournament fundraiser, seconded by Mr. Caron, VOTED 5-0-0

#### Town Administrator's update

Walpole Mall- There will be a meeting on 6/28 at 6:30 p.m. at the mall to inform abutters what the plan is to expand the mall. All members are invited to attend.

Debt coming off the rolls: There are projects that were done within the limits of prop 2 ½ each year we will have more. We know we have needs that need to be addressed. Some are too large. We need to put together a long term roadway plan to fix roadways. We are not keeping up with it. We built a lot of roadways in this town in the 80' and 90's. Work this up, how we want to put some infrastructure projects on the list.

Route 1A: The Town Administrator had a meeting with Mass Highway on Route 1A. What will be happening, is that the plans will get the North section redesigned. They are talking about an 18 month design period. We need to get that on the TIP. We have asked them to design the South end of Route 1A down. They informed us that there are multiple issues that we have to deal with out there. We are looking for immediate drainage work on the southbound side. There is a sidewalk that runs from Huntington to the center that needs to be repaired and they stated they will do that. We did have a positive meeting with them.

FY07 Revenue: We are down on our revenue, construction has dropped. We will have a profit. The reason for that is Bayer. I am guessing I am off \$200,000 in committed revenue.

Landfill Cap: We received a letter from DEP, they have some concerns. We still do not have final certification on the Lincoln Road landfill cap.

Superfund Site: Covenant not to sue will review it in house.

Turco Field- The excavators have showed up. The old field is coming up. Loam is part of the construction project.

#### New Business

Mr. Timson discussed the possibility of operating a parking lot during stadium events. This could be added revenue for the town. He thinks we can realize up to \$80,000 a year. We should consider permitting people to park cars and get revenue.

Mr. Caron reminded the Board to schedule the EDC in. Mr. DeNapoli reported that he has spoken to the Chairman and they want to come in the end of July.

Mr. DeNapoli informed the Board that our Acting Clerk Mr. Caron has accepted the position of Clerk.

Minutes of June 19, 2007

MOTION moved by Mr. DeNapoli to nominate Michael Caron as Clerk, seconded by Mr. Timson, VOTED 5-0-0

MOTION moved by Mr. Timson to adjourn at 10:00 p.m., seconded by Ms. Winston, VOTED 5-0-0

Respectfully submitted,

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Michael F. Caron, Clerk